

ITEM No.	GOAL: Coordinate Planning to Balance Infrastructure
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Earll Drive Condominiums - 25-ZN-2005

Request to rezone from Highway Commercial Downtown Overlay (C-3 D0) to Downtown/Office Residential Type 2 Downtown Overlay (D/OR-2 DO) on a 2.56 +/- acre parcel located at 7320 E. Earll Drive.

- a) Rezoning into conformance with the Downtown Plan and General Plan
- b) Revitalization in the Downtown Area
- c) Contextual relationship with existing sensitive edge conditions

General Plan Land Use Element Downtown Plan

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7320 E Earll Drive



Zoning

The site is zoned Highway Commercial District, Downtown Overlay (C-3 DO). This zoning district allows most types of commercial activities, including the sale of commodities or performance of services for a larger segment of population than the average neighborhood.

The General Plan Land Use Element designates the property as Downtown/Office Residential Type 2 (D/OR-2). This category includes predominantly office and residential uses.

The property is located on the north side of Earll Drive, mid-block between N. Scottsdale Road and N. Civic Center Drive. The site is currently occupied by vacant warehouse buildings.

Adjacent Uses and Zoning:

- North Single-story nursing & rehab center in the Highway Commercial District/Downtown Overlay (C-3 DO)
- Northwest 3-story hotel (Comfort Suites) in the Highway Commercial District/Downtown Overlay (C-3 DO)
- Northeast Single-story office buildings in the Highway Commercial District/Downtown Overlay (C-3 DO).
- South Two-story commercial and office buildings in the Highway Commercial District (C-3) across Earll Drive.
- East Single-story office buildings in the Highway Commercial District/Downtown Overlay (C-3 DO).
- West 3-story hotel (Holiday Inn Express) and office buildings in the Highway Commercial District/Downtown Overlay (C-3 DO).

**APPLICANT'S
PROPOSAL****Goal/Purpose of Request**

The applicant is requesting to rezone from Highway Commercial District, Downtown Overlay (C-3 DO) to Downtown/Office Residential Type 2, Downtown Overlay (D/OR-2 DO) to facilitate the construction of multi-story, multi-family residential units.

Site Plan

The applicant previously appeared before the Commission on June 28, 2006 with the rezoning request that did not include a site plan. The Commission voted to deny the request, and indicated that they were not prepared to approve such a request without a conceptual site plan. As such, the applicant has submitted a conceptual site plan for approval as part of the requested rezoning.

The six-sided parcel is configured as a large north-west axis rectangle with frontage on Earll Drive, and a smaller east-west axis rectangle attached to the rear (northeast) portion.

Key components of the proposed site plan include:

- Two vehicular access points from Earll Drive are proposed: a drop-off/visitor entry and a resident/service entry.
- A subterranean garage for resident parking is to be accessed by a down ramp located at the southeast corner of the largest building. Six visitor spaces are proposed at grade.
- A total of five buildings are proposed for the site.
- Trash enclosures are proposed to be located within the largest building. Turn-around for waste hauling vehicles and other service vehicles is proposed to be accomplished via access onto the neighboring property to the east.
- A pool and landscaped courtyard are proposed on the interior portion of the site.

A more specific development concept will require review and approval by the Development Review Board. The development standards prescribed by the D/OR-2 DO zoning district would apply, as no amended development

standards are requested.

Development Information.

- Parcel Size: 2.56 acres (111,705 sq. ft. gross/100,785 sq. ft. net)
- Existing Use: Two vacant warehouse buildings
- Existing Building Sizes: 11,724 sq. ft. and 15,230 sq. ft.
- Existing Building Height: 19'4" and 13'4"
- Existing Max. Bldg. Height: 36 feet
- Proposed Basic Height Max: 38 feet (not more than 3 levels)
- Proposed Bonus Height Max: 50 feet (not more than 5 levels) for residential use
50 feet (not more than 4 levels) for planned block development on a minimum 100,000 square foot parcel
65 feet (not more than 5 levels) for planned block development on a minimum 200,000 square foot parcel
72 feet (not more than 8 levels) for hotel
- Existing Max. Density: 23 dwelling units/acre gross= 62 units for this property
- Proposed Max. Density: 50 dwelling units/acre gross = 128 units for this property
- Existing Floor Area Ratio: 25% of net lot area
- Existing Max. FAR: 150% of net lot area (based on maximum bonuses for underground parking and residential use = 159,250 sq. ft. for this property)
- Proposed Max. FAR: 150% of net lot area (including bonuses for underground parking and residential use), plus 1 sq. ft. for every sq. ft. of right-of-way dedicated prior to 1987 = 162,000 sq. ft. for this property

IMPACT ANALYSIS

Traffic

The applicant submitted a trip generation comparison for the proposed development plan, which was prepared by Task Engineering. The analysis was based on 135 dwelling units, which is more than the maximum allowed 128 units being proposed. The analysis indicates that a development of 135 dwelling units under the proposed Downtown/Office Residential zoning district would be expected to generate 564 daily trips, with 46 a.m. peak hour trips and 51 p.m. peak hour trips. Reuse of the existing office building would be expected to generate 297 daily trips, with 42 a.m. peak hour and 40 p.m.

peak hour trips. The results show that the estimated morning peak hour trips from the proposed residential development would be approximately the same as it would be for reuse of the existing office building. The residential development would be expected to generate 11 more evening peak hour trips. Although residential development would generate 90% more trips throughout the average weekday compared to re-use of the buildings as office, the majority of the increase would occur during off-peak hours, and thus would not have a significant impact for the surrounding street system.

Policy Implications

The rezoning of this property will bring the property into conformance with the City's General Plan and Downtown Plan. One of the key elements of the Downtown Plan is to encourage the rezoning of individual parcels into conformance with the plan, and to help guide development in the urban core of the City. By rezoning this parcel into conformance with the City's guiding land use policy documents, the property will be allowed to develop appropriately for the context of the area in which it is located by addressing the following General Plan Land Use Policies:

1. Guide growth to locations contiguous to existing development to provide city services in a cost effective and efficient manner.
2. Support jobs/housing balance by integrating housing, employment, and supporting infrastructure in mixed-use centers located at appropriate locations.
3. Provide a variety of housing types and densities and innovative development patterns and building methods that will result in greater housing affordability.
4. Integrate the patterns of land uses and mobility systems in ways that allow for shorter and fewer automobile trips and greater choices for mobility.
5. Encourage non-motorized (pedestrian and bicycle) access/circulation within and to mixed-use centers to reduce reliance on the automobile.
6. Provide a balance of live, work and play land uses and development intensities that enable convenient non-automotive trips (pedestrian and cycling and transit) where environmentally and physically feasible.
7. Support the physical integration of residential uses with retail uses to provide opportunities for pedestrian oriented development.
8. Encourage that land uses with the highest intensity be located in areas conducive to alternative modes of transportation.
9. Concentrate future development in "growth areas" and other centers of activity, thereby discouraging sprawl, conserving energy, and promoting community identity.
10. Integrate land use and transportation policies to promote a decrease in vehicle miles traveled to reduce air pollution and resource consumption, increase interaction among citizens and provide a stronger sense of community.
11. Protect and revitalize established areas/neighborhoods by promoting new development and the adaptive re-use of existing community resources that re-energize an area.
12. Focus intense land uses along major transportation networks (such as the Pima Freeway and major arterial streets) and in urban centers (such as Downtown and the Airport).

13. Incorporate a diverse range of residential and non-residential uses and densities within mixed-use neighborhoods.
14. Promote residential uses that support the scale and function of retail, commercial and employment uses within these neighborhoods, including the use of mixed-use structures (retail or office on lower level and residential uses on upper levels).
15. Encourage redevelopment that invigorates an area while also respecting the character of adjacent neighborhoods.

Key Issues

1. Rezoning to Downtown & Compliance with the Downtown Plan

The applicant is proposing to rezone to Downtown, which would bring the property into compliance with the Land Use designation within both the General Plan and the Downtown Plan. The rezoning of parcels into conformance is encouraged by both documents as it helps create orderly development patterns and intensities within the City of Scottsdale. The General Plan allows for and creates real expectations on behalf of the citizens, who voted and approved the General Plan, and the development community, about how and where various intensities of development will occur. As the General Plan is the predominant land use governing document approved by the City of Scottsdale, the rezoning of this parcel into conformance with the Land Use Element of the document is positive and will further help protect the health, safety and welfare of the public.

2. Redevelopment in the Downtown Area

The City of Scottsdale has been attempting for several years to encourage redevelopment and allow for new development in the Downtown area. Several programs have been implemented over time to make this larger goal happen. The proposed residential project is an example of how the regulatory and policy documents have given incentives to smaller projects. Similar projects are being proposed throughout the Downtown area.

3. Contextual relationship with existing edge conditions

The proposed conceptual site plan is in conformance with applicable development standards. However, staff finds that the site plan does not adequately address the existing context. The rear of the largest building, which spans the width of the parcel, is proposed to be located in close proximity to the existing single-story senior residential care facility to the north. Staff prepared the attached Proposed Building Solar Study Dec 22 to assist with analysis.

Staff analysis finds that a 50-foot building height limit for residential could be acceptable in some, but not all, portions of this parcel. Staff prepared the attached Existing Building Envelope Solar Study Dec 22 to depict the building envelope allowed under the development standards of the zoning district.

The proposed 50-foot building height limit may be acceptable if a sufficient transition is created between the proposed development and

the existing edge condition of the single-story senior residential care facility. This could be accomplished by implementing the following conditions of approval:

1. Require a minimum rear yard setback of 25 feet;
2. Adjust the building envelope using a maximum height stepback plane along the boundary of the senior residential care facility at a 25-foot rear setback; and
3. Require an inclined stepback plane of 1:1 from a 15-foot high stepback line.

Staff has prepared and attached three graphic illustrations that demonstrate the effect the above-referenced conditions of approval would have on this parcel and existing development adjacent parcels:

- A. A plan view depicting the above-referenced conditions;
- B. Building Envelope with 25-foot rear setback with stepback plane; and
- C. A cross section demonstrating how the applicant's proposal compares to the above-referenced conditions of approval.

Community Involvement

The applicant notified all property owners within 750 feet of the proposed project, posted signs on the property, and held an open house on June 7, 2006. Staff has not received any comment either in favor or against the subject application.

RECOMMENDATION

Recommended Approach

Staff finds that proposed zoning designation is appropriate and in context of the area; however, the proposed site plan does not adequately address the existing sensitive edge conditions. Staff therefore recommends denial.

In the event the Commission chooses to approve the project, staff has prepared the attached stipulations.

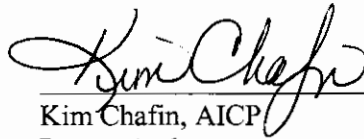
RESPONSIBLE
DEPT(S)

Planning and Development Services Department
Current Planning Services

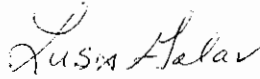
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Current Planning Director

ATTACHMENTS

1. Stipulations
- 1A. Additional Information
2. Applicant's Narrative dated 8-29-06
3. Context Aerial
- 3A. Aerial Close-Up
4. Land Use Map
5. Zoning Map
6. Excerpt of Minutes of Planning Commission 6-28-06 Meeting pertaining to 25-ZN-2005
7. Traffic Impact Summary
8. Citizen Involvement
9. City Notification Map
10. Applicant's Proposed Site Plan
11. Applicant's Proposed Massing Model
12. Analysis Graphics Prepared by Staff:
 - A. Proposed Building Solar Study Dec 22
 - B. Existing Building Envelope Solar Study Dec 22
 - C. Plan view depicting conditions of approval
 - D. Building Envelope with 25-foot rear setback with stepback plane
 - E. Cross section demonstrating how the applicant's proposal compares to staff recommended conditions of approval

DOWNTOWN ZONING STIPULATIONS FOR CASE 25-ZN-2005

PLANNING

1. **APPLICABLE DEVELOPMENT STANDARDS.** Development shall conform to the generalized massing model site plan prepared by staff. Any proposed development program shall be revised as necessary to demonstrate compliance with the development standards of the proposed zoning district (D/OR-2 DO) with the following amended site development standards:
 - a. A minimum rear yard setback of 25 feet along the north property line;
 - b. Along the north property line in the area adjacent to the existing single-story senior residential care facility, an adjusted building envelope using a maximum height stepback plane at a 25-foot rear setback; and
 - c. Along the north property line in the area adjacent to the existing single-story senior residential care facility, an inclined stepback plane of 1:1 from a 15-foot high stepback line.
2. **VEHICULAR CIRCULATION PLAN.** With the Development Review Board submittal, the developer shall submit a Vehicular Circulation Plan for the site, which shall be subject to City staff approval. This plan shall include location and dimensions of access areas for all emergency vehicles, service vehicles, bicycles, and shall also address ADA accessibility. With this submittal, the developer shall provide documentation for the dedication of the existing access easement as shown on the proposed site plan. In addition, the developer shall provide a cross-access agreement executed with the adjacent property owner to the east to allow access for service and emergency vehicles to circulate through the property as shown on the proposed site plan.

REFUSE

1. **REFUSE ENCLOSURES.** The proposed site plan shows 4 refuse enclosures located in a garbage room near the northeast corner of the site, and this is not acceptable. As shown, the ability of refuse trucks to access the containers and back up for departure appears to be limited by a fence located along the adjacent property line to the east of the garbage room. The proposed site plan shall be revised to address these limitations and to comply with the following.
2. With the Development Review Board submittal, the developer shall submit a site plan subject to city staff approval. The site plan shall identify refuse enclosures to serve the proposed development. The developer shall construct at least 5 refuse enclosures.
3. Refuse enclosures shall be constructed to City of Scottsdale's standards. Details for construction of trash enclosures can be found in the City of Scottsdale Supplements to MAG Standards, standard detail #2146-1,2 (2 is for grease containment) for single enclosures and #2147-1,2 (2 is for grease containment) for double enclosures.
4. Enclosures must:
 - a) Provide adequate truck turning/backing movements for a design vehicle of turning radius R (minimum) = 45 feet vehicle length of L = 40 feet.
 - b) Be positioned to facilitate collection without "backtracking."
 - c) Be easily accessible by a simple route.
 - d) Not require backing more than 35 feet.
 - e) Not be located on dead-end parking aisles.
 - f) Enclosures serviced on one side of a drive must be positioned at a 30-degree angle to the centerline of the drive.
5. Per City of Scottsdale Ordinance:

- a) Refuse enclosures are required as follows: Commercial Building Space: One for 0 to 20,000 s.f., Two for 20,001 to 40,000 s.f., Three for 40,001 to 60,000 s.f., etc.
- b) Underground vault-type containers are not allowed.
- c) Refuse collection methods, i.e., site plan circulation will be approved at final plan review.
- d) Refuse collection can be provided by the City of Scottsdale's Sanitation Division, at 480-312-5600.

WATER

1. NEW WATER FACILITIES. Before issuance of Letters of Acceptance by the Inspection Services Division, the developer, at its expense, shall provide all water lines and water related facilities necessary to serve the site. Water line and water related facilities shall conform to the city Water System Master Plan.

WASTEWATER

1. NEW WASTEWATER FACILITIES. Before issuance of Letters of Acceptance by the Inspection Services Division, the Developer, at its expense, shall provide all sanitary sewer lines and wastewater related facilities necessary to serve the site. Sanitary sewer lines and wastewater related facilities shall conform to the city Wastewater System Master Plan.

ADDITIONAL INFORMATION FOR 25-ZN-2005

ENGINEERING

1. **REQUIRED SPECIAL INSPECTIONS.** Before the approval of the improvement plans, the Planning and Development Services Department staff shall specify those drainage facilities that shall be required to have Special Inspections. See Section 2-109 of the Design Standards and Policies Manual for more information on this process.
2. **RESPONSIBILITY FOR CONSTRUCTION OF INFRASTRUCTURE.** The developer shall be responsible for all improvements associated with the development or phase of the development and/or required for access or service to the development or phase of the development. Improvements shall include, but not be limited to washes, storm drains, drainage structures, water systems, sanitary sewer systems, curbs and gutters, paving, sidewalks, streetlights, street signs, and landscaping. The granting of zoning/use permit does not and shall not commit the city to provide any of these improvements.
3. **FEES.** The construction of water and sewer facilities necessary to serve the site shall not be in-lieu of those fees that are applicable at the time building permits are granted. Fees shall include, but not be limited to the water development fee, water resources development fee, water recharge fee, sewer development fee or development tax, water replenishment district charge, pump tax, or any other water, sewer, or effluent fee.
4. **STREET CONSTRUCTION STANDARDS.** The streets for the site shall be designed and constructed to the standards in the Design Standards and Policies Manual.
5. **CITY CONTROL OF ACCESS.** The city retains the right to modify or void access within city right-of-way. The city's responsibility to promote safe conditions for the traveling public takes precedence over the stipulations above.

PLANNING

1. **DEVELOPMENT REVIEW BOARD.** The City Council directs the Development Review Board's attention to:
 - a. Determination of compliance with substance and intent of the Downtown Plan: Urban Design and Architectural Guidelines;
 - b. Design that enables the property to contribute to realization of the full potential of the Downtown Area.
 - c. Relationship of all elements of proposed structures to the streetscape, pedestrian environment and movements.
 - d. Architectural design of buildings, walls, and structures, including height, material, color, finish, proportions and massing, pronounced entry points to structures;
 - e. Architectural compatibility with area developments;
 - f. Site design, including building locations, separation between buildings, development intensity, vehicular circulation, parking, pedestrian circulation, pedestrian amenities, character, site amenities, common open space, common buildings and/or walls, and grading;
 - g. Site design compatibility with area development;
 - h. Landscape design, including species and material selection, mix, density and location; the integration of hardscape and plantings with solar orientation of buildings, shading of pedestrian circulation, pedestrian amenity areas, landscape buffers on of public and/or private property, vehicle shading and context;

- i. The type, height, design and intensity of proposed lighting on the site to ensure its compatibility with adjacent uses; and
 - j. Signage by separate application.
2. PEDESTRIAN CIRCULATION PLAN. With the Development Review Board submittal, the developer shall submit a Pedestrian Circulation Plan for the site, which shall be subject to City staff approval. This plan shall include the location and width of all sidewalks and pedestrian pathways, and shall address ADA accessibility.

DRAINAGE AND FLOOD CONTROL

1. CONCEPTUAL DRAINAGE REPORT. With the Development Review Board submittal to the Community Development Division, the developer shall submit a conceptual drainage report and plan, subject to city staff approval. The conceptual report and plan shall be in conformance with the Design Standards and Policies Manual, 2004 Update, Chapter 4. In addition, the conceptual drainage report and plan shall:
 - a. Identify all storm water runoff entering and exiting the site, and calculate the peak discharge (100-yr, 6-hr storm event) for a pre- versus post-development discharge comparison of all storm water runoff that exits the property.
 - b. Demonstrate how the storm water storage requirement shall be satisfied, indicating the location, volume and drainage area of all storage.
 - c. Include flood zone information to establish the basis for determining finish floor elevations in conformance with the Scottsdale Revised Code.
2. STORM WATER STORAGE REQUIREMENT. On-site storm water storage is required for the full 100-year, 2-hour storm event, unless city staff approves the developer's Request for Waiver. See Section 4.500 of the Design Standards and Policies Manual for waiver criteria.
 - a. If applicable, the developer shall submit to the Planning and Development Services Division a Request for Waiver Review form, which shall:
 - (1) Include a supportive argument that demonstrates that historical flow through the site will be maintained, and that storm water runoff exiting this site has a safe place to flow.
 - (2) Include an estimate for payment in-lieu of on-site storm water storage, subject to city staff approval.
 - b. Before the improvement plan submittal to the Planning and Development Services Department, the developer shall have obtained the waiver approval.
3. FINAL DRAINAGE REPORT. With the final improvement plans submittal to the Planning and Development Services Department, the developer shall submit a final drainage report and plan subject to city staff approval. The final drainage report and plan shall be in conformance with the Design Standards and Policies Manual, 2004 Update, Chapter 4. In addition, the final drainage report and plan shall:
 - a. Provide final calculations and detailed analysis that demonstrate consistency with the conceptual drainage plan and report accepted by City staff.
 - b. Demonstrate that historical flow through the site will be maintained:
 - (1) Storm water runoff exiting this site will not be relocated or redirected.

- (2) The downstream streets will not be flooded (i.e. depth of runoff in the streets will not exceed the top of curb in a ten year storm nor eight inches in a one hundred year storm)
 - (3) The adjacent storm drain system has capacity to manage any proposed increase in storm water runoff.
- c. Discuss how basins will be drained, (by gravity out-fall, pump, etc.)
 - d. Provide bleed-off calculations to demonstrate the discharge rate and time to drain on-site storm water storage basins and areas.

VERIFICATION OF COMPLIANCE

1. **REQUIRED SPECIAL INSPECTIONS.** Before the approval of the improvement plans, the Planning and Development Services Department staff shall specify those drainage facilities that shall be required to have Special Inspections. See Section 2.109 of the Design Standards and Policies Manual for more information on this process.
2. **CONDITION FOR ISSUANCE OF GRADING & DRAINAGE PERMIT.** Before the issuance of a Grading & Drainage Permit:
 - a. The developer shall certify that it has retained an Inspecting Engineer by completing Part I (Project Information) and Part II (Owner's Notification of Special Inspection) of the Certificate of Special Inspection of Drainage Facilities (CSIDF); and,
 - b. The Inspecting Engineer shall complete Part III (Certificate of Responsibility) of the CSIDF.

OTHER REQUIREMENTS

1. **ENVIRONMENTAL PROTECTION AGENCY (EPA) REQUIREMENTS.** All construction activities that disturb one or more acres shall obtain coverage under the National Pollutant Discharge Elimination System (NPDES) General Permit for Construction Activities. [NOI forms are available in the City of Scottsdale One Stop Shop, 7447 East Indian School Road, Suite 100. Contact Region 9 of the U.S. Environmental Protection Agency at 415-744-1500, and the Arizona Department of Environmental Quality at 602-207-4574 or at web site <http://www.epa.gov/region9>.]
The developer shall:
 - a. Submit a completed Notice of Intent (NOI) to the EPA.
 - b. Submit a completed Storm Water Pollution Prevention Plan (SWPPP) to the EPA.
2. **NOTICE OF INTENT (NOI).** With the improvement plan submittal to the Planning and Development Services Department, the developer shall submit a copy of the NOI.
3. **SECTION 404 PERMITS.** With the improvement plan submittal to the Planning and Development Services Department, the developer's engineer must certify that it complies with, or is exempt from, Section 404 of the Clean Water Act of the United States. [Section 404 regulates the discharge of dredged or fill material into a wetland, lake (including dry lakes), river, stream (including intermittent streams, ephemeral washes, and arroyos), or other waters of the United States.]

4. **DUST CONTROL PERMITS.** Before commencing grading on sites 1/10 acre or larger, the developer shall have obtained a Dust Control Permit (earth moving equipment permit) from Maricopa County Division of Air Pollution Control. Call the county (602)-507-6727 for fees and application information.
5. **UTILITY CONFLICT COORDINATION.** With the improvement plan submittal to the Planning and Development Services Department, the developer shall submit a signed No Conflict form (Not required for city owned utilities) from every affected utility company.
6. **ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY (ADEQ) REQUIREMENTS.** The developer shall be responsible for conformance with ADEQ regulations and requirements for submittals, approvals, and notifications. The developer shall demonstrate compliance with Engineering Bulletin #10 Guidelines for the Construction of Water Systems, and Engineering Bulletin #11 Minimum Requirements for Design, Submission of Plans, and Specifications of Sewerage Works, published by the ADEQ. In addition:
 - a. Before approval of final improvement plans by the Planning and Development Services Department, the developer shall submit a cover sheet for the final improvement plans with a completed signature and date of approval from the Maricopa County Environmental Services Department (MCESD).
 - b. Before issuance of encroachment permits by city staff, the developer shall provide evidence to city staff that a Certificate of Approval to Construct Water and/or Wastewater Systems has been submitted to the MCESD. This evidence will be on a document developed and date stamped by the MCESD staff.
 - c. Before commencing construction, the developer shall submit evidence to city staff that Notification of Starting Construction has been submitted to the MCESD. This evidence shall be on a document developed and date stamped by the MCESD staff.
 - d. Before acceptance of improvements by the city Inspection Services Division, the developer shall submit a Certificate of Approval of Construction signed by the MCESD and a copy of the As-Built drawings.
 - e. Before issuance of Letters of Acceptance by the city Inspection Services Division, the developer shall:
 - (1) Provide to the MCESD, As-Built drawings for the water and/or sanitary sewer lines and all related facilities, subject to review and approval by the MCESD staff, and to city staff, a copy of the approved As-Built drawings and/or a Certification of As-Built, as issued by the MCESD.
 - (2) Provide to the MCESD a copy of the Engineers Certificate of Completion with all test results, analysis results, and calculations, as indicated on the form.
 - (3) Provide to the MCESD a copy of the "Request for Certificate of Approval of Construction" of water/sewer lines with all appropriate quantities.
 - (4) Provide the city Inspection Services Division a copy of the Certificate of Approval of Construction, as issued by the MCESD.

Project Narrative

Earll Drive Condominiums
7300 E. Earll Dr.
Scottsdale, Az.

The proposed Earll Drive residential development is conceived as an urban living lifestyle opportunity in the downtown area of Scottsdale. The following description outlines the planning and design rationale for the siting, circulation and built form of this project.

Use:

A residential condominium development consisting of 128 units varying in size 800 to 2000 square feet and a mix of 1 bedroom, 1 bedroom and den, 2 bedroom, and 2 bedroom and den units.

Context:

The site is located on the north side of Earll Dr. in an area which is surrounded by Scottsdale Rd. to the west, Civic Center Blvd. to the north, Civic Center Plaza to the east and Earll Dr. at the southern boundary. The area contained within these streets is presently occupied by a three-story hotel to the west of the site, a three-story hotel to the northwest, a one-story skilled care center to the north, a one-story office campus to the north-east and one-story office buildings to the east. Across Earll Dr. to the south are a variety of commercial buildings.

Site Planning:

A formal entry to the overall development for cars and pedestrians has been created at the center of the property on Earll Dr. This semi-private driveway and walkway leads to a landscaped entry court and visitor parking area which is adjacent to the main building entrance. Service and underground parking access is from the existing shared access along the eastern site boundary.

The building massing is arranged in an "enclosing" plan concept whereby the built form creates an urban courtyard. This central entry space and residents' landscaped outdoor open space is enclosed by the built form of the development, providing overview from many of the suites to create a pleasant internal courtyard view and further providing a safe environment which can be monitored by residents overlooking this quiet space. This enclosure of massing also provides shading to areas of the courtyard at various times of day providing greater opportunity for full use of the space throughout the year.

The proposed buildings have been set back from the adjacent properties on the north and east sides by approximately 25 feet in order to provide privacy to the existing uses and to allow for flexibility in the future redevelopment of those lots. Future higher intensity developments will hopefully be encouraged to respect this setback with a similar yard space on their sites, thereby creating an approximate 40 to 50 feet of separation between the buildings, to both sides benefit. This will create a livable separation between neighboring uses.

To the west, the building massing is set closer to the property line, as the adjacent use is a parking lot serving the newer existing hotel development.

The building component fronting onto Earll Dr. will be set back the required 30 feet from the curb.

Building Planning:

The development will consist of a grouping of building components surrounding the courtyard. The Earl Dr. frontage consists of smaller buildings which allows for townhouse style units to actually front the street while incorporating the landscaped setback provided as required. This will create a friendly environment of comfortable scale and materials for the passing public realm. To the west, is another small building component which faces away from the adjacent hotel and hotel parking lot (which is illuminated at night). It is oriented away from the westerly sun and overlooks the courtyard. This building component will also provide a screen to the west for residents using the outdoor amenities in the afternoon.

The main building has been pushed back from the street towards the north-east part of the site. This puts the highest intensity of the development towards the center of the overall land area of this block, resultantly reducing the impact of the development upon the public street.

The smaller buildings will have their exterior access for each unit. The residents will enter their units from shaded and protected, landscaped, pedestrian pathways between the buildings. The larger building has a main entrance and lobby at the car court which in turn connects to internal hallways on each level via elevators.

Amenities for the residents will include common activity spaces and an outdoor pool and garden. The varying building planning provides for a variety of unit types and sizes for residents' lifestyles and needs.

Parking for all the units will be accommodated in an underground parking structure.

Building Massing:

The allowable height for this use is 50 feet and five stories, however the present context is established by the newer three story buildings to the west and northwest. As a continuation of the existing scale and massing, this development will continue the street massing with three story building forms fronting onto Earl Dr., stepping back and upward to four and five stories on the interior of the site. As an urban planning concept, this benefits the neighborhood by placing the greater mass toward the center of the block. The building massing will also be required to respect the ordinance criteria for maximum wall lengths, heights and building envelope configuration.

Summary:

This proposed development concept is derived from the new urban interest and the City of Scottsdale's desire to create a vital, viable and desirable downtown core. This project will provide a quality living environment near to employment, entertainment, shopping and healthcare. The project planning has been carefully refined to benefit the city as well as the residents and to establish a standard of thoughtfully effective urban planning. The variety of living units, protected and quiet outdoor spaces and interesting planning makes this well situated development a quality addition to Scottsdale's emerging new downtown core.



Earll Drive Condominiums

25-ZN-2005

ATTACHMENT #3



Q.S.
15-45

G.I.S. ORTHOPHOTO 2003

73RD ST

E EARLL DR

N CIVIC CENTER PZ

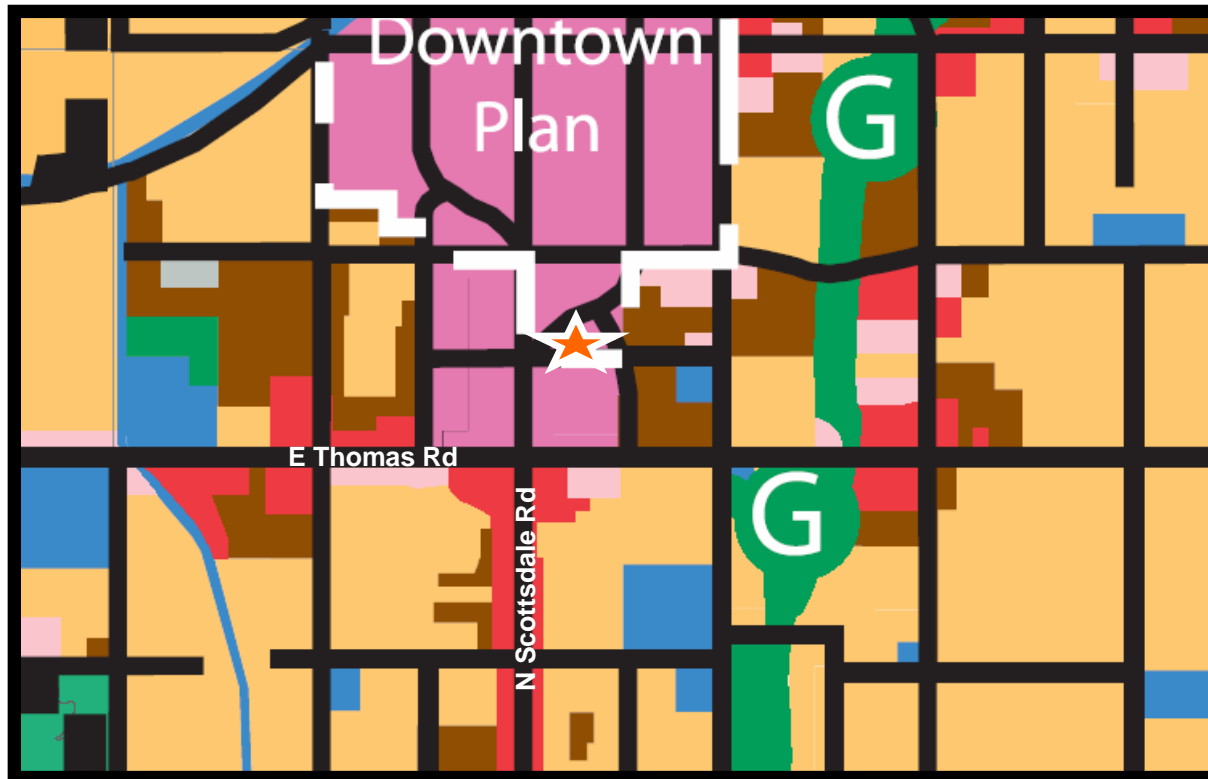






















Earll Drive Condominiums

25-ZN-2005

ATTACHMENT #3A

General Plan

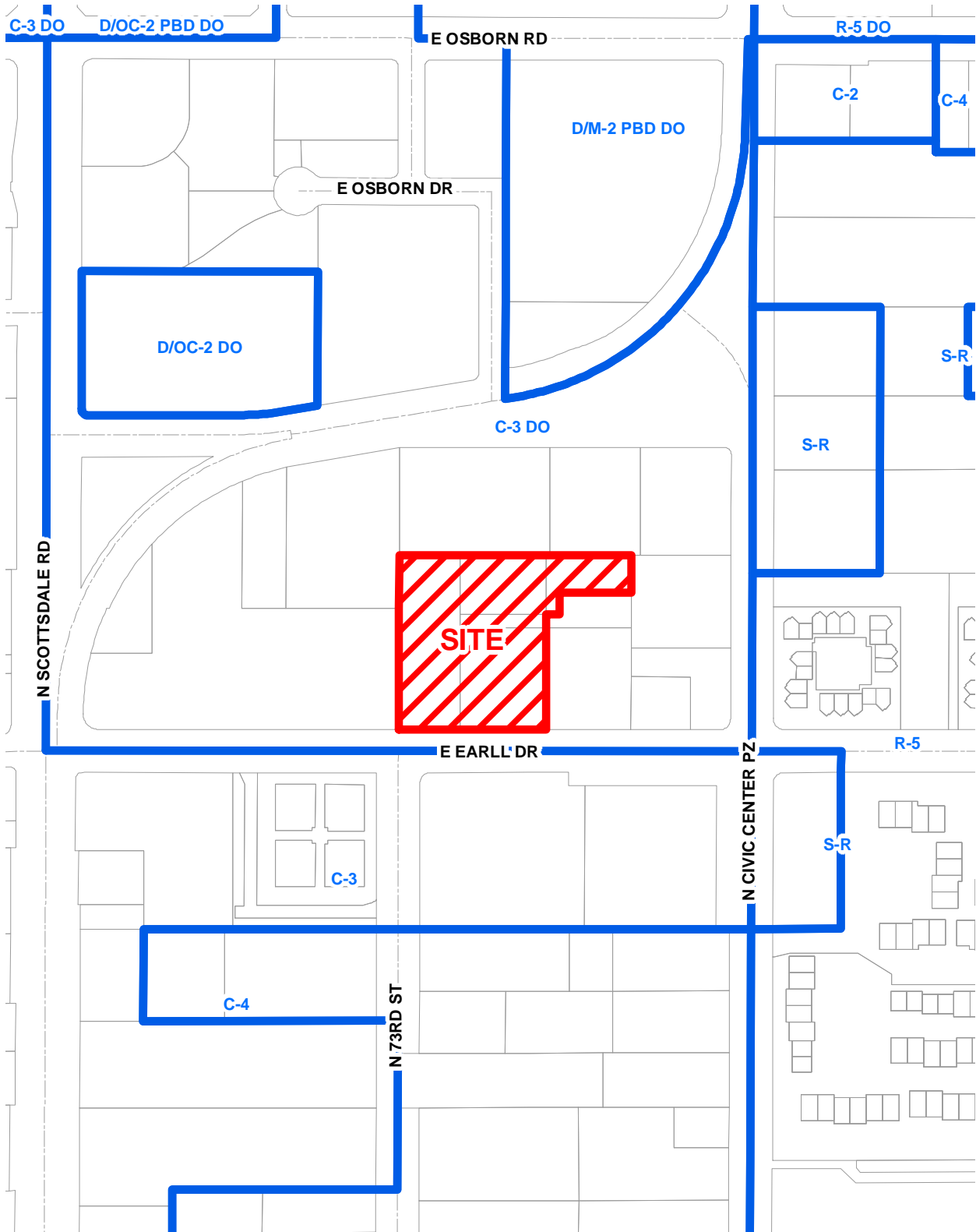


- | | | | |
|---|---|---|--------------------------------------|
|  | Rural Neighborhoods |  | Commercial |
|  | Suburban Neighborhoods |  | Office |
|  | Urban Neighborhoods |  | Employment |
|  | Mixed-Use Neighborhoods |  | Natural Open Space |
|  | Resorts/Tourism |  | Developed Open Space (Parks) |
|  | Shea Corridor |  | Developed Open Space (Golf Courses) |
|  | Mayo Support District |  | Cultural/Institutional or Public Use |
|  | Regional Use District | | |
|  | McDowell Sonoran Preserve (as of 8/2003) | | |
|  | Recommended Study Boundary of the McDowell Sonoran Preserve | | |
|  | City Boundary |  | Location not yet determined |
| | |  | Location not yet determined |



25-ZN-2005
ATTACHMENT #4

Adopted by City Council October 30, 2001
Ratified by Scottsdale voters March 12, 2002
revised to show McDowell Sonoran Preserve as of May 2004
revised to reflect General Plan amendments through June 2004



25-ZN-2005

ATTACHMENT #5



REGULAR AGENDA

4. 25-ZN-2005 Earll Drive Condominiums

Request by owner to rezone from Highway Commercial Downtown Overlay (C-3 D0) to Downtown/Office Residential Type 2 Downtown Overlay (D/OR2 DO) on a 2.56 +/- acre parcel located at 7320 E. Earll Drive.

Ms. Chafin addressed the Commission. Highlights of her presentation included a context aerial and a zoning map. She noted that approval would bring the property into conformance with the land use designation within both the Downtown plan and the General Plan. No site plan or development was being proposed and staff was not proposing any amended development standards with the rezoning application.

Mr. Lou Jekel, Applicant, addressed the Commission. He confirmed that the application was for a change in zoning from C-3 Downtown overlay to Downtown office residential; a site plan and development plan were not being presented. The project will ultimately be a five storey condominium which he opined would attract development to the southern edge of the Downtown. Zoning needed to be confirmed in order to begin the project. Mr. Jekel noted that the project would be similar to what was represented in the packet.

Commissioner Schwartz inquired why a development plan was not included with the zoning application. Mr. Jekel stated that the site plan was prepared and research needed to be done to find out what the FAR was going to be. Once zoning is obtained they would be prepared to go forward with a development plan.

Commissioner Schwartz inquired about the timeline, noting that the Commission would like to see the proposed height prior to approving zoning changes. Mr. Jekel explained that his client could not go forward with plans until the zoning was approved, because waiting would push them beyond their time limits. He noted that the Commission had been provided with a fairly comprehensive idea of what was being planned.

In response to an inquiry by Chairman Steinberg, Mr. Jekel confirmed that the total number of units would be between 118 and 120; they will not be able to achieve the maximum of 135.

Vice-Chairman Heitel inquired whether a stipulation could be included requiring the Applicant to return to the Planning Commission for approval of the amended development standards and site plan prior to going before the Development Review Board.

Mr. Grant confirmed that amended standards would be required to come back to the Planning Commission. He noted that because the location was on the edge of Downtown. The area across the street is C-3, which would allow a maximum of 36 feet. If the Commission had concerns regarding how the site would relate, reviewing the site plan with the zoning would be a sensible strategy. Mr. Grant noted that the City is trying to get to a point where zoning would be looked at

APPROVED

from a purely land use standpoint and Development Review would handle the development process.

Mr. Grant agreed with Commissioner Schwartz that the majority of applications come through with amended standards for this type of development, noting that it was less common for them to come through without a site plan. Commissioner Schwartz expressed concern about the fact that historically everything beyond the canal in the CAP was at 36 feet. If zoning were approved, the Applicant could potentially come back with a site plan for five stories across the entire site. He suggested that the Applicant be given the opportunity to return with the zoning combined with amended development standards, in order for the Commission to have a clear understanding of the intentions.

Mr. Grant clarified that the Ordinance states that anywhere in the downtown the maximum height is 36 feet, with rezoning to the Downtown District the maximum height would be 50 feet for residential. Commissioner Schwartz argued that during past cases Mr. Gawf had been emphatic that the Waterfront would be the only location with height. Commissioner Schwartz opined that a policy needed to be developed that would be consistent for the Downtown if height was to be allowed in the core of Downtown. Five stories should not be put on the edge of Downtown next to an area where the maximum height would be 36 feet. Commissioner Schwartz reiterated his request for the Applicant to be allowed to return with a development plan.

Mr. Jekel stated that it was his understanding that the City wanted to get properties into the Downtown zoning which provides for five stories. He argued that delaying the project would not change their plans and would be detrimental to the project. He opined that full advantage needed to be taken of the densities that the property values are demanding.

Commissioner O'Neill opined that it was important that development on the edge of two districts should be considered more seriously. He understood the land value would change if the property density was not maximized. He noted that if the site were in further from the edge of the district he would have a different opinion. However he had difficulty approving the project without knowing exactly what the development standards and the site plan would be.

Commissioner Steinke remarked that even if the zoning were granted, the application would have to go to the Development Review Board and the importance of the height variation and transitional issues would need to be made clear to them, because they are not charged with considering the transition between districts. He noted that although he understood the difficulty and challenge caused by a delay, he would like to see additional detail on the site plan and amended standards before approving the zoning.

In response to a question by Commissioner Barnett, Ms. Chafin clarified that the zoning would allow for flexibility to have residential, office, or mixed use.

Commissioner Schwartz stated that he wanted to make a motion.

Mr. Jekel remarked that after hearing Commissioner comments, he did not feel that their project was one that the Commission would support. On that basis, he requested an up or down vote.

COMMISSIONER SCHWARTZ MOVED TO CONTINUE CASE 25-ZN-2005 UNTIL SUCH TIME THAT A COMPANION AMENDED STANDARDS AND SITE PLAN IS BROUGHT FORWARD WITH THE ZONING CASE. COMMISSIONER STEINKE SECONDED THE MOTION.

Commissioner Barnett inquired why a motion was being made to continue when the Applicant requested an up or down decision. Commissioner Schwartz explained that with a down vote the application would move forward to City Council and the Planning Commission would lose the opportunity to review the site plan and amended standards in order to make a recommendation to Council.

THE MOTION FAILED FIVE (5) TO TWO (2). CHAIRMAN STEINBERG, VICE-CHAIRMAN HEITEL, COMMISSIONER HESS, COMMISSIONER O'NEILL, AND COMMISSIONER BARNETT DISSENTED.

COMMISSIONER BARNETT MOVED TO APPROVE CASE 25-ZN-2005.

Commissioner Barnett remarked that anyone who did not want to approve the case could vote against the motion.

Vice-Chairman Heitel stated that he would second Commissioner Barnett's motion with a stipulation that the amended development standards, site plan, and height issues be brought back before the Planning Commission for approval prior to going before City Council. He inquired whether that would legally be a binding stipulation.

Commissioner Schwartz commented that there was a sealed envelope included in the packet which contained a picture of a building, which implied that the project would not have a setback from three stories into the five stories. He opined that Vice-Chairman Heitel's suggested stipulation would not address the concerns because the zoning would be blanket zoning for five stories. Vice-Chairman Heitel clarified that the intention of the stipulation was to allow the Commission to approve or deny the ability to build on the site relative to the site plans, amended development standards, and building elevations.

Ms. Scott confirmed that once a motion for approval or denial is reached, the case would move forward to City Council based on that recommendation. The item could come back during study session for the Planning Commission to review the site plan and send further comments to City Council, but the zoning would have already occurred from a Planning Commission standpoint. If the Applicant requests amended development standards at a later point in time the application would return to the Planning Commission.

VICE-CHAIRMAN HEITEL WITHDREW HIS OFFER TO SECOND COMMISSIONER BARNETT'S MOTION.

COMMISSIONER BARNETT WITHDREW HIS MOTION.

APPROVED

Commissioner Barnett then offered to second Commissioner Schwartz's motion for continuance if it were to be reconsidered.

Ms. Scott confirmed that normal protocol would require the Applicant to return to the Planning Commission prior to going before City Council if continued.

COMMISSIONER SCHWARTZ MOVED TO CONTINUE CASE 25-ZN-2005 TO A DATE TO BE DETERMINED, AT WHICH TIME THE APPLICANT WILL BRING FORWARD A COMPANION ZONING, APPLIED STANDARDS, AND SITE PLAN FOR APPROVAL OR DISAPPROVAL. COMMISSIONER STEINKE SECONDED THE MOTION.

Vice-Chairman Heitel stated that the Applicant was entitled to an up or down vote, and that he would not support the motion for that reason. He opined that it would be clear to the City Council that the Commission is proactive and is dissatisfied with the incomplete application and that they would follow the Planning Commission's recommendation if the application were denied.

In response to an inquiry by Commissioner O'Neill, Mr. Grant confirmed that if an application is denied the same application cannot return within a year; the application could be modified and return. Chairman Steinberg commented that it was baffling that the Applicant would want an up or down vote when a continuance would give the opportunity for them to return with their application.

Ms. Scott clarified that in her brief review of the Zoning Ordinance, it appeared that there would be potential for the Applicant to circumvent the Planning Commission and continue to City Council, even with a continuance. She noted that Section 1.702a of the zoning ordinance stated "The City Council shall hold a second public hearing if requested by any party aggrieved by any member of the public or by a member of the City Council."

Commissioner Schwartz opined that City Council would understand that the Planning Commission was trying to make sure that applications that come through are thorough and complete. The Planning Commission should not be discussing whether or not to allow the Applicant to go forward with an incomplete application and should provide them with the opportunity to put their development plan together.

THE MOTION FAILED FOUR (4) TO THREE (3). VICE-CHAIRMAN HEITEL, COMMISSIONER HESS, COMMISSIONER O'NEILL, AND COMMISSIONER BARNETT DISSENTED.

VICE-CHAIRMAN HEITEL MOVED TO DENY CASE 25-ZN-2005. COMMISSIONER HESS SECONDED THE MOTION.

Commissioner Schwartz commented that he would vote in favor of the motion in order to end the debate. Addressing Mr. Jekel, he reiterated that applications should not be brought in the way theirs was presented; they should be complete and thorough. He hoped that denying the application would not prove to be a mistake.

APPROVED

THE MOTION CARRIED UNANIMOUSLY BY A VOTE OF SEVEN (7) TO ZERO (0).

6. 14-GP-2005 McCormick Ranch Condos

Request by owner for a non-major General Plan Amendment from "Office" to "Urban Neighborhoods" on a 2.79+/- acre parcel located at 8301 Via Paseo del Norte.

7. 22-ZN-2005 McCormick Ranch Condos

Request by owner to rezone from Commercial Office, Planned Community District (C-O PCD) to Multiple Family District, Planned Community District (R-5 PCD) on a 2.79+/- acre parcel located at 8301 Via Paseo del Norte.

Mr. Curtis addressed the Commission, noting that cases 14-GP-2005 and 22-ZN-2005 would be presented together. Highlights of his presentation included a context aerial, the General Plan land use map exhibit, and the zoning map. The request is a General Plan amendment to turn the property from an office designation to an urban neighborhoods land use designation and to change zoning to an R-5 multifamily residential planned community district. The applicant is proposing a two- to three-storey condominium complex.

In response to a question by Commissioner Schwartz, Mr. Curtis stated that there are no three-storey residential in the vicinity of the project. Commissioner Schwartz noted that there are no three-storey residential projects in McCormick Ranch; it is entirely one- and two-storey.

In response to an inquiry by Vice-Chairman Heitel, Mr. Curtis confirmed that a letter was included in the packet from the Homeowners Association supporting the project.

Troy Vinton, with VVG Associates Architects, addressed the Commission. He reiterated the specifics reviewed by Mr. Curtis, noting that changing the use from office use to residential would benefit the surrounding neighborhood and the nearby retail development. Mr. Vinton stated that the application fit within the zoning ordinance for the R-5 zoning within the 36-foot height limits and will be providing 38 percent open space. He opined that the decrease in overall traffic resulting from the project will benefit the entire neighborhood.

In response to a question by Commissioner O'Neill, Mr. Vinton confirmed that the Homeowners Association had approved the full development package. He presented a typical elevation to the Commission, noting that approximately 60 percent of the buildings would reach the 35-foot height limit.

Mr. Curtis confirmed that the current zoning would allow the surrounding buildings to go to 36 feet, however would not allow for residential. The nearby LA Fitness currently being constructed has a height of 36 feet, although it is a one-storey building.



3707 North 7th Street • Suite 235 • Phoenix • AZ • 85014
Phone: 602 • 277 • 4224 Fax: 602 • 277 • 4228 e-mail: task@taskeng.net

May 3, 2006

Mr. Kent Dounay
p/d Architects
7579 East Main Street, Suite 700
Scottsdale, AZ 85251
Fax 480-970-8751

RE: Earll Drive Loft Condominiums Trip Generation

Dear Mr. Dounay:

Executive Summary

- If built to the maximum allowable number of units, the proposed residential lofts project generates 90% more trips per day than the reuse of the existing building as an office.
- If built to the maximum allowable number of units, morning peak hour trips are about the same for a five story mid-rise Townhouse as for the reuse of the existing building as an office. There would be about 11 more evening peak hour trips.

Introduction

This letter discusses traffic issues relating to the construction of mid-rise residential lofts on Earll Drive at 73rd Street in Scottsdale, Arizona. It is proposed as a community with a maximum of 135 units. The proposed redevelopment is for a 5 storey building with 118 units. The site plan for the residential development is shown on Exhibit 1.

Trip Generation

Vehicle trips are estimated for a total average weekday and for AM and PM peak hours. *Trip Generation, Seventh Edition*, published by the Institute of Transportation Engineers (ITE) in 2003, and the *Trip Generation Handbook, June 2004*, published by ITE, were the sources for the trip rates used in this study.

Exhibit 2 presents the resulting trip generation for this site. This table compares the maximum allowable residential lofts with the potential trip generation if the site is redeveloped as office space using the existing building.

The various rows in Exhibit 2 are explained below.

Description is a way of identifying different parts of the site. For this study, there is only one parcel, but two alternate land uses.

Units specifies the units of land use used for generating trips. DU is the abbreviation for dwelling units and TGSF is "Thousand Gross Square Feet".

Amount is the number of units in the zone (i.e. 47.6 Thousand Gross Square Feet).

Land Use Code is the Institute of Transportation Engineers (ITE) Land Use Code. It refers to the section of the ITE Trip Generation manual from which the trip rates were obtained.

Rates present the number of daily, AM peak hour and PM peak hour vehicle trips to and from the subject land use per unit.

Percent Inbound is the percentage of AM and PM vehicle trips arriving inbound at the land use. The remaining percent of trips are leaving outbound. For instance, 61 percent of AM peak hour trips are arriving at the site, and the remaining 39 percent are leaving. For daily trips, it is assumed that 50 percent are inbound trips and 50 percent are outbound trips.

Trips are the calculated number of trips. They are calculated as the amount times the rate times the percent inbound or outbound.

Conclusions

If built to the maximum allowable size, the Earll Drive Loft Condominiums generate about the same number of morning peak hour trips as the one story office building. It generates about 11 more evening peak hour trips, and about 90% more trips throughout the average weekday, because it generates more trips during the off-peak hours.

I hope this addresses the traffic issues relating to this development. If you have any questions, or if I can be of further assistance, please let me know.

Sincerely,

Ken Howell

Ken Howell, PE, PTOE
Traffic Engineer

Attachment:

Exhibit 1: Site Plan
Exhibit 2: Trip Generation



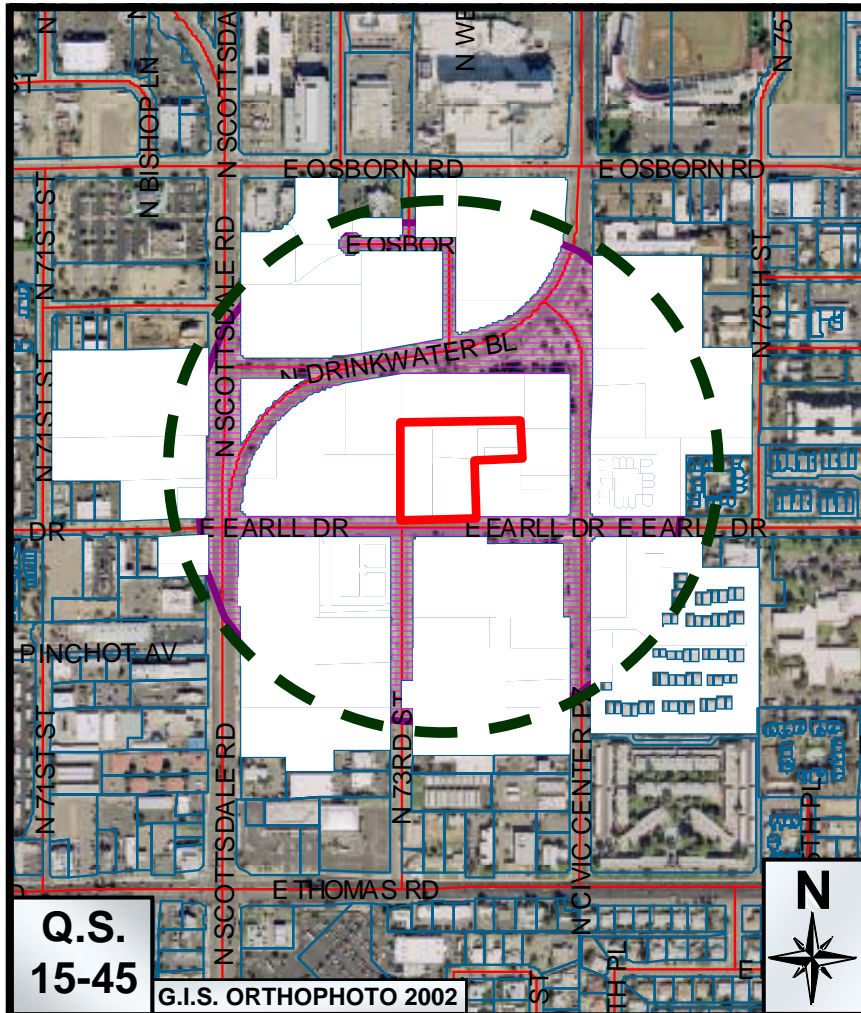
Trip Generation, Earll Drive Loft Condominiums

DESCRIPTION	MID RISE TOWNHOUSE	GENERAL OFFICE BLDG
Land Use Code	232	710
Units	Dus	TGSF
Amount	135	27
Trip Rates:		
Daily	4.18	11.01
AM Peak Hour	0.34	1.55
PM Peak Hour	0.38	1.49
Percent Inbound		
AM Peak Hour	19%	88%
PM Peak Hour	62%	17%
Trips:		
Weekday	564	297
AM Peak Hour Inbound	9	37
AM Peak Hour Outbound	37	5
Total AM Peak Hour	46	42
PM Peak Hour Inbound	32	7
PM Peak Hour Outbound	19	33
Total PM Peak Hour	51	40

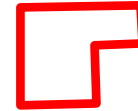
Earll Drive Condominiums
Citizen Involvement
Attachment #8

The above attachments are on file at the City of
Scottsdale Current Planning office,
7447 E Indian School Road, Suite 105.

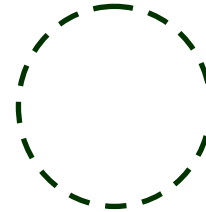
City Notifications – Mailing List Selection Map



Map Legend:



Site Boundary



Properties within 750-feet

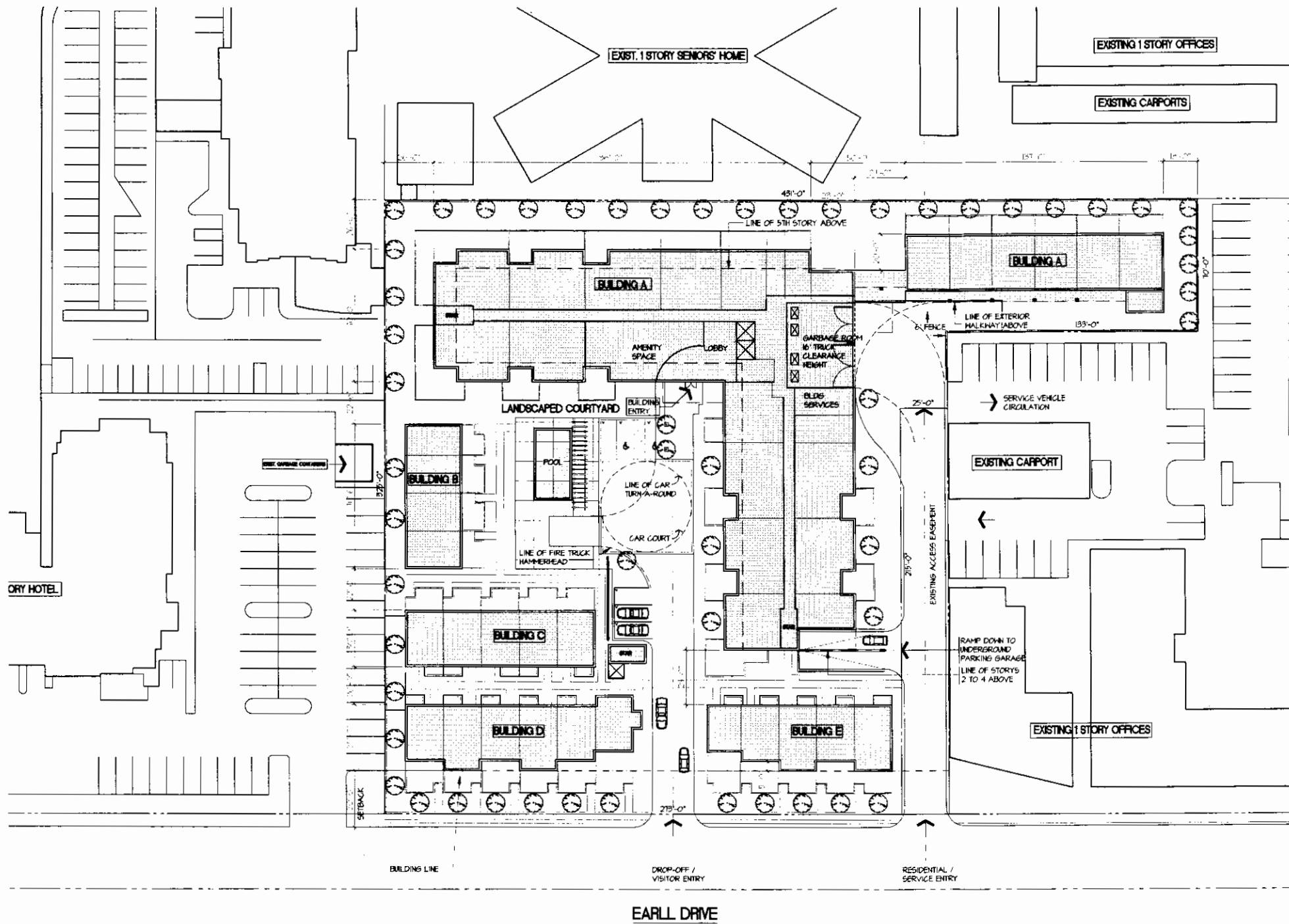
Additional Notifications:

- Interested Parties List
- Adjacent HOAs

Earll Drive Condominiums

25-ZN-2005

ATTACHMENT #9



1 SITE CONFIGURATION PLAN

PROJECT DEVELOPMENT SUMMARY	
PROJECT:	134 UNIT CONDOMINIUM DEVELOPMENT WITH UNDERGROUND PARKING GARAGE.
OWNER / DEVELOPER:	HARRABA PARTNERS LTD. 1499 FOTONAC HOUSTON, TX 77057
PROJECT ADDRESS:	7300 E. EARLL DRIVE, SCOTTSDALE, AZ 85251
SITE AREA:	NET = 100,785 SF (2.31 AC) GROSS = 111,705 SF (2.56 AC)
SITE ZONING:	G-3 D10R-2 D0
BUILDING GROSS FLOOR AREA:	162,000 SF
BUILDING HEIGHT:	MAX. ALLOWABLE (50' / 5 LEVELS) PROPOSED (50' / 5 LEVELS)
LOT COVERAGE:	45%
OCCUPANCY:	DELLING UNITS: R2
F.A.R. PERMITTED:	BASIC - B + U.S. PARKING - 3 + RESIDENTIAL - 4 + 15 100,785 X 1.5 = 151,178 SF (SITE) 10,522 X 1.0 = 10,522 SF (EXIST. ROAD) TOTAL F.A.R. = 162,000 SF
DENSITY ALLOWED:	50 UPA X 2.56 AC. = 128 UNITS
DENSITY PROPOSED:	128 UNITS
OPEN SPACE REQUIRED:	0 SF.
FRONT OPEN SPACE PROVIDED:	30 FT FROM BACK OF PLANNED CURB
STREET SETBACK PROVIDED:	30 FT
PARKING REQUIRED:	1 SPACE / UNIT FOR 1 BED 2 SPACES / UNIT FOR 1 BED + DEN, 2 BED OR MORE (B) 1 BED X 1 CAR = 8 (20) 1 + DEN, 2 BED OR MORE X 2 = 240 TOTAL PARKING = 248
PARKING PROVIDED:	248 (INCLUDING 8 ON-GRADE) 8 VISITOR / SURFACE LEVEL (INCL. 1 ACCESSIBLE @4%) 242 UNDERGROUND (INCL. 10 ACCESSIBLE @4%)
G.S.:	15-45
APN:	130-21-001H 130-21-001S 130-21-011 130-21-004A



8130 East Cactus Road - Suite #500
Scottsdale, Arizona, 85260
tel 480/967-1960 fax 480/967-4717

* NO. / DATE / ISSUED	
1	AUG. 25, 2006 ISSUED FOR PLANNING COMMISSION REVIEW
2	SEPT. 05, 2006 RE-ISSUED WITH REVISIONS FOR PLANNING COMMISSION REVIEW

* NO. / DATE / REVISION:

* PROJECT TITLE:
**7300 EAST EARLL DRIVE
SCOTTSDALE, ARIZONA**

* DRAWING TITLE:
**CONCEPTUAL MASSING
SITE PLAN**

* DATE:	SEPT. 05, 2006
* SCALE:	1" = 30'-0"
* DRAWN:	
* APPROVED:	
* PROJECT NUMBER:	

* DRAWING NUMBER:
* A0.1

ZONING CASE 25-ZN-2005

Earll Drive Condominiums
Applicant's Proposed Massing Model & Analysis
Graphics Prepared by Staff
Attachment #11 & 12A through 12E

The above attachments are on file at the City of
Scottsdale Current Planning office,
7447 E Indian School Road, Suite 105.